

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FILED

FOURTH JUDICIAL DISTRICT

2012 AUG 24 PM 3:42

IN RE: SOURCE CODE CHALLENGES
IN IMPLIED CONSENT MATTERS
HENNEPIN COUNTY DISTRICT
COURT ADMINISTRATOR

ORDER

Whereas, the Supreme Court has ruled that Intoxilyzer 5000EN instruments that report a numerical value for measured breath alcohol are reliable and unaffected by alleged source code errors, *In Re: Source Code Evidentiary Hearings in Implied Consent Matters*, *In Re: Source Code Evidentiary Hearings in Criminal Matters* A11-560 (June 27, 2012), and

Whereas, there are currently over 500 implied consent cases pending in the Fourth Judicial District where the only issue remaining is the reliability of the Intoxilyzer 5000EN based upon alleged source code errors, and

Whereas, it is appropriate to dispose of these pending implied consent cases administratively without further hearing unless a motion is made by the Petitioner establishing a reasonable basis for additional consideration by the Court,

Now Therefore, The Court makes the following

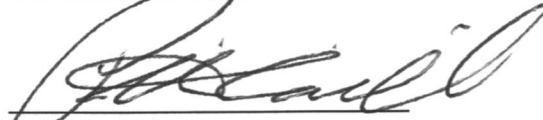
ORDER

1. On October 8, 2012 an Order sustaining the revocation of the driver's license of Petitioners will be entered in all implied consent cases currently pending in the Fourth Judicial District where the only issue is the reliability of the Intoxilyzer 5000EN based upon alleged source code errors unless prior to September 25, 2012 the Petitioner serves and files a motion requesting a hearing supported by an Affidavit establishing a reasonable basis for additional consideration by the Court.

2. The Court Administrator of the Fourth Judicial District shall provide a copy of this Order to the parties in all pending implied consent cases affected by this Order.

Date: August 24, 2012

BY THE COURT:



Peter A. Cahill

Chief Judge of the Fourth Judicial District